

Office of General Counsel
Federal Election Commission
999 E Street, N.W.
Washington, D.C. 20463

FEDERAL
ELECTION
COMMISSION
OFFICE OF
GENERAL COUNSEL
15: 8pm
August, 2006

MUR # 5796 2006 AUG 17 12:29

RE: Complaint on Shawn O'Donnell for Congress Committee (ID # C00423194).

Dear Sirs:

As a concerned citizen in the fair application of campaign finance laws and in the interest of full disclosure to the public, I write you today with concerns on apparent FEC violations committed by the Shawn O'Donnell for Congress Committee (ID # C00423194). I am further seeking information about FEC action in regard to the O'Donnell Campaign's reporting violations

I am aware that the FEC has already cited Mr. O'Donnell for past violations, including two failure-to-file citations for the April Pre-Convention and July Quarterly reports. Additionally, I note that FEC has had to issue his campaign two Requests for Additional Information due to incomplete reporting (i.e. apparently missing Schedule A's from the reports).

I would like to point out further apparent violations by his campaign that the FEC may be unaware of:

- (1) Mr. O'Donnell's campaign has maintained two campaign websites since January, 2006, and all previous reports filed do not document any expenditures associated with these web-sites or associated hosting services.
- (2) Mr. O'Donnell has also been accompanied by a production company as he travels the Commonwealth, and these expenses also have gone unreported. Even if these website hosting and video production services are donated, it is my understanding that under the law they still must be reported as "in kind" contributions that are subject to Federal limits.

In addition, Mr. O'Donnell's Campaign website openly advertises a book he has authored with a link to the Amazon.com purchase page for the book. It is my understanding that FEC rulings on Federal Election Law only permit such advertisements if the proceeds are contributed to charity, and no such indication is made on the web-site or elsewhere that I can find. Although I certainly do not begrudge Mr. O'Donnell sales of his book, for clarification I would like to know if campaigns may sell merchandise via their campaigns and either keep the revenue for personal gain or have that revenue be used in the campaign.

But most disconcerting to me is the central matter of timely, full disclosure to the public that Mr. O'Donnell's campaign is avoiding. As you know well in your service fairly enforcing the law, a clear intent of these laws is that the public is entitled to know who is financing the campaign activities of a candidate and to what extent. The public has a right to know what special interests are funding Mr. O'Donnell's campaign. It is further an intent of the law to prohibit candidates from accumulating clandestine campaign "war-chests" kept from public scrutiny that are then used to spring surprise mass-media attacks just before an election with no time for a fair response.

Therefore, I respectfully request your response to the following inquiries at your earliest convenience:

- (1) What has been the FEC action (penalty, fine, etc) taken against Mr. O'Donnell's campaign to date for such violations as failure to file the April Pre-convention report?
- (2) What FEC action (penalty, fine, etc) is pending against Mr. O'Donnell's campaign for his failure to file the July 15th report?

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- (3) What kind of deterring penalty or corrective action does the law call for if Mr. O'Donnell's campaign continues this trend of failing to file reports?
- (4) What kind of action (penalty, fines, etc) does the law call for if a campaign hides large sums of campaign cash going into the post-Labor Day campaign season? For example, if a campaign suddenly discloses in late September or October that it has \$1M on-hand, is there immediate FEC action against that campaign? If it is a fine, how much is the fine, and must such a fine be paid immediately, or can it be paid after the election is over? If there are potential criminal penalties for large undisclosed or late-disclosed sums, what are those?

I respectfully request your investigation into these matters and a response at your earliest convenience. Thank you for your service to the public.

Sincerely,



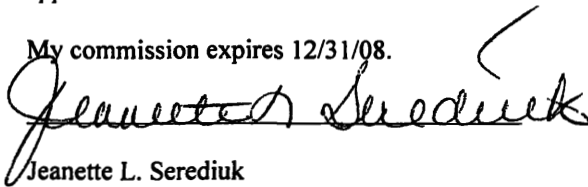
J. Russ Moulton, Jr.
First Congressional District Republican Party Chairman
121 Wateredge Lane
Fredericksburg, VA 22406

State of Virginia

County of Spotsylvania

Subscribed and sworn to before me this 4th day of August, 2006 by J. Russ Moulton, Jr. who personally appeared before me.

My commission expires 12/31/08.



Jeanette L. Serediuk
Notary Public